

Daniel Joseph Young, CDCR# AP5943

Name and Prisoner/Booking Number

CSP-Sacramento

Place of Confinement

P.O. Box 290066

Mailing Address

Represa, California 95671

City, State, Zip Code

FILED

Mar 15, 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Daniel Joseph Young

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:22-cv-487-DB (PC)

(To be supplied by the Clerk)

(1) Jeff Lynch, et al,;

(Full Name of Defendant)

(2) M. Sotelo;

(3) D. Giardino;

(4) R. Bell;

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☐ Check if there are additional Defendants and attach page 1-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: CSP-Sacramento

B. DEFENDANTS

1. Name of first Defendant: Jeff Lynch. The first Defendant is employed as:
Warden at CSP-Sacramento
(Position and Title) (Institution)
2. Name of second Defendant: M. Sotelo. The second Defendant is employed as:
Correctional Officer at CSP-Sacramento
(Position and Title) (Institution)
3. Name of third Defendant: D. Giardino. The third Defendant is employed as:
Correctional Officer at CSP-Sacramento
(Position and Title) (Institution)
4. Name of fourth Defendant: R. Bell. The fourth Defendant is employed as:
Correctional Officer at CSP-Sacramento
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.
See Attached Supplement

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

CLAIM III

1. State the constitutional or other federal civil right that was violated: See Attached Supplement

2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
See Supplement

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
See Supplement

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

\$500,000.00;

Any other remedies the court may deem correct

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15 2022

DATE _____

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

1 Daniel Joseph Young, CDCR# AP5943
2 CSP-Sacramento
3 P.O. Box 290066
4 Represa, California 95671

5 Plaintiff in pro se.

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

11 DANIEL JOSEPH YOUNG,

12 Plaintiff,

13 -vs-

14 JEFF LYNCH, Warden, et al.,

15 Respondents.

Case Number:

SUPPLEMENTAL CIVIL COMPLAINT

16
17 COMES NOW, DANIEL JOSEPH YOUNG, Plaintiff in pro se, hereby
18 submits this SUPPLEMENTAL CIVIL COMPLAINT in support of his §1983
19 Civil Rights Complaint, under less stringent standards pursuant to
20 *Ferdic v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992)¹ where
21 the Ninth Circuit Court of Appeals instructs to "treat pro se
22 litigants with great leniency" due to being a layman at law and
23 as a statement of principles of United States Law, upon which
24 Plaintiff is entitled under Equal Protection Under the Law (U.S.
25 Const. Amend. 14th) for the reasons stated herein:

26 1) See Also *Erickson v. Pardus*, 551 US 89, 94; 127 S.Ct 2197; 167 L.Ed.2d 1081 (2007)

27
28 Plaintiff's Supplemental Civil Complaint

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff, in pro se, hereby submits this MEMORANDUM in support of his Civil Rights Complaint, for the following reasons:

PARTIES:

Defendant Jeff Lynch was at all times relevant acting under color of state law in the position of WARDEN, employed by the California Department of Corrections and Rehabilitations (CDCR) at CSP-Sacramento and is being sued in his Individual Capacity;

Defendant M. Sotelo was at all times relevant acting under color of state law in the position of Correctional Officer, employed by the CDCR at CSP-Sacramento and is being sued in her Individual Capacity;

Defendant D. Giardino was at all times relevant acting under color of state law in the position of Correctional Officer, employed by the CDCR at CSP-Sacramento and is being sued in his individual Capacity;

Defendant R. Bell was at all times relevant acting under color of state law in the position of Correctional Officer, employed by the CDCR at CSP-Sacramento and is being sued in his Individual Capacity;

Defendant Sergeant Doe was at all times relevant acting under color of state law in the position of Correctional Sergeant, employed by the CDCR at CSP-Sacramento and is being sued in his Individual Capacity;

Plaintiff, Daniel Joseph Young was at all times relevant a state prisoner under the care of CDCR and the Defendants listed herein.

Plaintiff's Supplemental Civil Complaint

1 BACKGROUND:

2 On November 13, 2019, while housed in an Administrative
3 Segregation Housing Unit, Plaintiff informed Defendant D.
4 Giardino that he was experiencing Suicidal Ideation. Defendant
5 responded by walking away leaving Plaintiff unattended for some
6 during which time, Plaintiff swallowed razor(s) with the intent
7 of killing himself.

8 After some time passed, likely at least a half hour, but may
9 have been as much as an hour, Defendant Giardino returned with
10 Defendants R. Bell and M. Sotelo and instructed Plaintiff to
11 "cuff up and be a good little shit" as they grabbed Plaintiff's
12 arms aggressively, twisting to place Plaintiff in hand cuffs
13 behind Plaintiff's back. The cuffs were applied extremely
14 tightly, with the intent to cause Plaintiff pain, as circulation
15 was cut off.

16 Defendants Giardino and Bell each took one of Plaintiff's
17 arms and escorted Plaintiff down stairs and roughly shoved
18 Plaintiff into the wall and proceeded to roughly apply ankle
19 restraints.

20 As soon as Plaintiff was tightly restrained, Defendants
21 began verbally degrading Plaintiff in tandem as one said, "Fag
22 Boy" followed by another saying, "Faggot," another with "Stupid
23 little boy," and other derogatory comments intended to offend
24 Plaintiff as Plaintiff identifies as a female or transgender.
25 They knew referring to Plaintiff as a "boy" would greatly
26 offend Plaintiff.

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28 Plaintiff's Supplemental Civil Complaint

1 As the Defendants escorted Plaintiff to speak with a nurse,
2 Defendant Giardino told the others that Plaintiff had something
3 in her hands at which time Plaintiff was body-slammed onto
4 Plaintiff's head and Defendant Sotelo jumped onto Plaintiff's
5 back as she laid prostrate and remained cuffed behind her back
6 in leg irons as Defendant Sotelo began punching Plaintiff in
7 the head and back.

8 Defendant Sergeant Doe grabbed Defendant Sotelo and pulled
9 her off of Plaintiff and Defendant Sotelo tore away from
10 Defendant Sergeant Doe to continue beating on Plaintiff.

11 Plaintiff suffered injuries in the form of:

- 12 1) Split left eyebrow requiring stitches and leaving
13 a permanent scar;
14 2) Psychological damage, such as PTSD and fear of
15 Peace Officers who have the duty to protect, but
16 instead lean more on the side of becoming the ones
17 inmates need protection from;
18 3) Defendants, in support of the Code of Silence,
19 issued Plaintiff a fictitious Rules Violation
20 report.

21 CLAIM ONE: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
22 AMENDED RIGHT TO BE FREE OF CRUEL AND
23 UNUSUAL PUNISHMENT:

24 Defendants Giardino, Bell and Sotelo violated Plaintiff's
25 Eighth Amendment Rights to be Free from Cruel and Unusual
26 Punishment when they used excessive and unnecessary force in
27 the application of the restraints, both handcuffs and the leg
28 irons.

CLAIM TWO: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
AMENDMENT RIGHT TO BE FREE OF CRUEL AND
UNUSUAL PUNISHMENT:

/ / / / / / /

Plaintiff's Supplemental Civil Complaint

1 Defendants Giardino and Bell violated Plaintiff's Eighth
2 Amendment Right to be Free from Cruel and Unusual Punishment
3 when they applied excessive and unnecessary force by slamming
4 Plaintiff into the wall.

5 CLAIM THREE: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
6 AMENDMENT RIGHT UNDER DELIBERATE
INDIFFERENCE STANDARD:

7 Defendant Sotelo violated Plaintiff's Eighth Amendment
8 Right under the Deliberate Indifference Standard when Defendants
9 Giardino and Bell 1) Applied the Restraints using excessive and
10 unnecessary force, and 2) slammed Plaintiff into the wall by not
11 intervening to either stop or minimize the unnecessary use of
12 force which was exasperated by intentionally not reporting the
13 Defendants' unnecessary and excessive use of force.

14 CLAIM FOUR: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
15 AMENDMENT RIGHT TO BE FREE FROM CRUEL
AND UNUSUAL PUNISHMENT:

16 Defendants Giardino and Bell violated Plaintiff's Eighth
17 Amendment Right to be free from Cruel and Unusual Punishment
18 when they slammed Plaintiff to the ground using excessive and
19 unnecessary force to do so, where there was no reason to use
20 any kind of force.

21 CLAIM FIVE: DEFENDANT VIOLATED PLAINTIFF'S EIGHTH
22 AMENDMENT RIGHT UNDER DELIBERATE
INDIFFERENCE STANDARD:

23 Defendant Sotelo violated Plaintiff's Eighth Amendment
24 Right when she intentionally did not intervene or try to mini-
25 mize the force being used by Defendants Giardino and Bell when
26 they excessively and unnecessarily slammed Plaintiff to the floor.

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28 Plaintiff's Supplemental Civil Complaint

1 CLAIM SIX: DEFENDANT VIOLATED PLAINTIFF'S EIGHTH
2 AMENDMENT RIGHT TO BE FREE OF CRUEL
AND UNUSUAL PUNISHMENT:

3 Defendant Sotelo violated Plaintiff's Eighth Amendment
4 Right to be Free of Cruel and Unusual Punishment when she flew
5 into a rage and jumped onto Plaintiff's back and began beating
6 Plaintiff. This violation was exasperated when Defendant Sotelo
7 tore away from Defendant Sergeant Doe and continued to beat on
8 Plaintiff.

9 CLAIM SEVEN: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
10 AMENDMENT RIGHT UNDER DELIBERATE
INDIFFERENCE STANDARD:

11 Defendants Giardino and Bell violated Plaintiff's Eighth
12 Amendment Right under the Deliberate Indifference Standard
13 when neither Defendant attempted to stop Defendant Sotelo from
14 beating on Plaintiff, nor did they attempt to minimize the fury
15 unleashed by their coworker.

16 CLAIM EIGHT: DEFENDANTS VIOLATED PLAINTIFF'S FIRST
17 AMENDMENT RIGHT TO ACCESS THE COURTS:

18 All the above Defendants violated Plaintiff's First
19 Amendment Right to Access the Courts when they retaliated against
20 Plaintiff with a false Rules Violation Report because Plaintiff
21 informed them that she would be filing an Administrative
22 Grievance known as a Staff Complaint.

23 CLAIM NINE: DEFENDANT VIOLATED PLAINTIFF'S EIGHTH
24 AMENDMENT RIGHT UNDER THE DELIBERATE
INDIFFERENCE STANDARD:

25 Defendant Jeff Lynch violated Plaintiff's Eighth Amend-
26 ment Rights under the Deliberate Indifferent Standard where he

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28 Plaintiff's Supplemental Civil Complaint

1 created an environment of deliberate indifference and abuse by
2 actively supporting the Code of Silence in covering up Staff
3 Misconduct by his subordinates when reports come across his
4 desk of the Misconduct and he merely rubber stamps them.
5 Defendant Lynch has a long history of covering up misconduct
6 that includes the death of at least two Correctional Officers
7 who tried to report Staff Misconduct they witnessed, especailly
8 from the elite Investigations Services Unit who only reports to
9 Defendant Lynch.

10 CLAIM TEN: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
11 AMENDMENT RIGHT TO BE FREE FROM CRUEL
12 AND UNUSUAL PUNISHMENT AND UNDER THE
13 DELIBERATE INDIFFERENCE STANDARD:

14 All the Defendants have violated Plaintiff's Eighth Amend-
15 ment under both the Cruel and Unusual Punishment and the
16 Deliberate Indifference Standards, as well as the California
17 Constitution and California Penal Code §2635, SADEA, which is
18 California's version of PREA, where CLAIMS ONE through NINE
19 were committed because of Plaintiff's Transgenderism.

20 CLAIM ELEVEN: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
21 AMENDMENT RIGHT UNDER THE DELIBERATE
22 INDIFFERENCE AND FIRST AMENDMENT RIGHT
23 TO BE FREE FROM RETALIATION:

24 Defendant's Sotelo, Bell, Giardino and Sergeant Doe violated
25 Plaintiff's Eighth and First Amendment Rights when they filed
26 false reports (CDCR Form 837, Crime Incident Report and Use of
27 Force Reports) after physically battering Plaintiff in order to
28 cover up for the injuries Plaintiff suffered from their attacks

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Plaintiff's Supplemental Civil Complaint

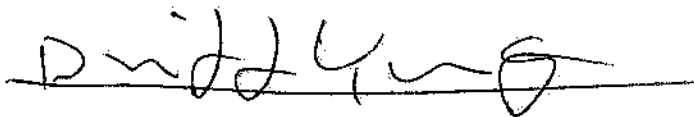
1 in furtherance of the Code of Silence. Defendant Sergeant Doe
2 further violated these rights when he did not pursue Defendant
3 Sotelo's unnecessary and excessive use of force for beating on
4 Plaintiff as Defendant Sergeant Doe tried to pull Sotelo off of
5 Plaintiff.

6 CLAIM TWELVE: DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
7 AMENDMENT RIGHT UNDER THE DELIBERATE
INDIFFERENCE STANDARD:

8 Defendant D. Giardino violated Plaintiff's Eighth Amend-
9 ment Right under the Deliberate Indifference Standard when
10 Defendant was informed that Plaintiff was suicidal and Defendant
11 responded by walking away and leaving Plaintiff alone to harm
12 her-self. The act of walking away had a severe effect on
13 Plaintiff, reinforcing Plaintiff's belief that nobody cared, but
14 even worse; that most people would rather see Plaintiff dead
15 because of being a Transgender Woman. Seething hatred targetting
16 Plaintiff her entire life for seemingly no reason.

17 Plaintiff, wishing for it all to just be over, then
18 swallowed several razor blades which cause abdominal pain. The
19 act of walking away triggered PTSD symptoms resurfacing internal
20 shame and lothing for being cursed with male body parts. And
21 then when help did arrive, it resulted in Plaintiff being beaten
22 and abused.

23 *submitted this 15 day of march, 2022*

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28 Plaintiff's Supplemental Civil Complaint

1 Daniel Joseph Young, CDCR# AP5943
2 CSP-Sacramento
3 P.O. Box 290066
4 Represa, California 95671

5 Plaintiff in pro se.

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

11 DANIEL JOSEPH YOUNG,
12 PLAINTIFF,

13 -vs-

14 JEFF LYNCH, et al.,
15 DEFENDANTS,
16

CASE NUMBER:

DECLARATION OF:
DANIEL JOSEPH YOUNG

IN SUPPORT OF HER CIVIL COMPLAINT

17 D E C L A R A T I O N

18 I, DANIEL JOSEPH YOUNG, in pro se, hereby state the following:

19 1) I am over the age of majority, reside in a California
20 Prison and am the Plaintiff in this cause;

21 2) If called to testify, this represents a sample of how I
22 would testify;

23 3) On November 13, 2019, while housed in an Administrative
24 Segregation Unit, I informed Officer D. Giardino that I was
25 suicidal. Giardino walked away and left me by myself.

26 4) This act of walking away with scorn on Giardino's face

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28 Declaration of Daniel Joseph Young in Support of Plaintiff's
Civil Complaint

1 left me feeling lower than dirt, reinforcing the hate I've
2 received all my life; hopelessness and uselessness. All I wanted
3 at this point was to just have it all over with.

4 5) I swallowed several razor blades with the intent of
5 killing myself; not a very well thoughtout plan. I didn't consider
6 the efficacy of the act, the damage it could do to my body or
7 how long it might take; considering whatever suffering I would
8 endure while waiting for the desired affect.

9 6) What seemed like an eternity pass when Defendants D.
10 Giardino, R. Bell and M. Sotelo arived to my cell and spat at
11 me to "cuff up and be a good little shit."

12 7) I turned my back to them and surrendered my wrists to
13 the food port on the door so they could handcuff me behind my
14 back, as is custom.

15 8) Defendants roughly grabbed my arms and twisted while
16 pulling my arms through the food port in a painful and unnatural
17 manner placing the handcuffs on my wrist extremely tightly,
18 cutting into my wrist restricting blood-flow to my hands.

19 9) When the tower officer opened my cell door, Defendants
20 Giardino and Bell each took one of my arms in the escort down-
21 stairs where they slammed me against a wall and roughly yanked
22 my legs up and forcefully placed leg irons extremely tightly
23 onto my ankles.

24 10) Immediately after, Defendants Giardino, Bell and
25 Sotelo became verbally abusive, taking turns shooting off insults
26 at me. One said, "Fag Boy," and another said, "Faggot." And

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28 Declaration of Daniel Joseph Young in Support of Plaintiff's
Civil Complaint

1 another said, "Stupid little boy." Knowing that I am a Trans-
2 gender Woman, they were shaming me intentionally for having
3 male bodyparts. There are few insults that cut me so deeply
4 and these Defendants capitolized on that fact.

5 11) Further, making these statements informed Plaintiff that
6 their abuses were motivated by hate for who and what I am. That
7 knowledge frightens me because that kind of rage has never
8 seemed rational to me. To HATE so intensely for simply BEING
9 defies all logic. There is nothing I can do to keep from being
10 a victim to such rage. I have not done anything to them or their
11 families. But also, to be the constant recipient of such
12 hatred over the course of my entire life has had an indelible
13 impact on my mental health.

14 12) Suddenly Defendant Giardino stated that I had something
15 in my hands behind my back (cuffed). As I turned to try to say
16 that I had nothing in my hands and to show them my hands, Defendants
17 Giardino and Bell slammed my body onto the floor, bashing my
18 face into the ground.

19 13) Then Defendant Sotelo jumped on my back and started
20 beating me with her fists on my head and body.

21 14) Sergeant Doe tried to pull Sotelo off of me, but
22 Sotelo pulled away from Sergeant Doe and continued in her rage
23 to beat me.

24 15) None of these Defendants filed a report documenting
25 their participation or each others' actions in the abuse I
26 received.

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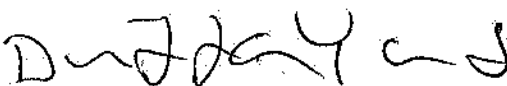
28 Declaration of Daniel Joseph Young in Support of Plaintiff's
Civil Complaint

1 16) Instead, Plaintiff was issued a Rules Violation
2 Report alleging Plaintiff did something requiring the use of
3 force in order to justify the injuries I received.

4 17) There is no way Plaintiff could have done anything to
5 or against them as Plaintiff was tightly cuffed behind her back
6 and wearing tight leg irons. Plaintiff could barely walk due
7 to the tightness.

8 The above statement is made under penalty of perjury under
9 the laws of California (Penal Code §72) and United States Law
10 (28 U.S.C. §1746), made by personal knowledge except where
11 indicated by information and belief, and is true and factual.

12 Respectfully sworn to, by me, this 15 day of March,
13 2022.

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15 Daniel Joseph Young, CDCR# AP5943,
16 Declarant/Plaintiff in pro se.

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28 Declaration of Daniel Joseph Young in Support of Plaintiff's
Civil Complaint